UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THE BORLAND LAW FIRM, LLC AND BRETT BORLAND, INDIVIDUALLY Plaintiffs, vs. REVAZ CHACHANASHVILI LAW GROUP, PLLC a/k/a RC LAW GROUP, PLLC AND YAAKOV SHOTKIN, INDIVIDUALLY Defendants.	CIVIL ACTION FILE NO.

COMPLAINT FOR DECLARATORY RELIEF

COMES NOW, Plaintiffs, The Borland Law Firm, LLC and Brett Borland, individually (hereinafter "Plaintiffs") and files this Complaint for Declaratory Judgment against Defendants, REVAZ CHACHANASHVILI LAW GROUP, PLLC a/k/a RC LAW GROUP, PLLC; and YAAKOV SHOTKIN, individually, and shows the Court as follows:

NATURE OF ACTION

1.

This is an action for Declaratory Judgment brought pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. § 2201 et. Seq., for the purpose of determining questions of actual controversy that presently exists between the parties.

JURISDICTION AND VENUE

2.

This Court has original jurisdiction pursuant to 28 U.S.C. § 1331, because this action involves a federal question under the Fair Debt Collection Practices Act, codified at 15 U.S.C. § 1692 et. Seq.

3.

Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

4.

Plaintiff, The Borland Law Firm, LLC ("BORLAND FIRM"), is a Georgia Limited Liability Company with its principal place of business within this district, being located in Cobb County, Georgia.

5.

Plaintiff, Brett Borland (hereinafter "BORLAND"), is the Chief Executive Officer of BORLAND FIRM and resides within this district, being located in Cobb County, Georgia.

6.

Defendant, REVAZ CHACHANASHVILI LAW GROUP, PLLC a/k/a RC LAW GROUP, PLLC, (hereinafter "RC LAW") is upon information and belief, a New York Professional Service Limited Liability Company with its principal place of business located at 108-17 72nd Avenue, Suite 2E, Forest Hills, NY 11375. RC LAW has purposefully availed itself of the jurisdiction of this Court as further stated herein. RC LAW may be served at 108-17 72nd Avenue, Suite 2E, Forest Hills, NY 11375.

7.

Co-Defendant, Yaakov Shotkin (hereinafter "SHOTKIN"), is upon information and belief a resident of New York. SHOTKIN has purposefully availed himself of the jurisdiction of this Court as further stated herein. SHOTKIN may be served at 13744 75TH RD FLUSHING NY 11367-2816.

STATEMENT OF FACTS

8.

On or about February 6, 2014, Defendant RC LAW, drafted, prepared and mailed and/or caused to be drafted, prepared and mailed via its employee, Yaakov Saks, Esq., correspondence on the letterhead of Defendant, RC LAW. A true and correct copy of the February 6, 2014 correspondence is attached hereto as Exhibit "A."

9.

The February 6, 2014 correspondence states that Yaakov Saks, Esq. represents Co-Defendant, Yaakov Shotkin and purports to be drafted on behalf of Co-Defendant, Yaakov Shotkin. A true and correct copy of the February 6, 2014 correspondence is attached as Exhibit "A."

10.

The February 6, 2014 correspondence threatens to name Plaintiff(s) and/or makes allegations against Plaintiff(s) intending to cause Plaintiff(s) harm either directly or indirectly for alleged violations of the Fair Debt Collections Practices Act.

11.

The February 6, 2014 correspondence states in relevant part:

> "Mr. Shotkin received at least one collection that was deceptively written, and from the language seemed to imply that The Borland law Firm, LLC was collecting and acting as an attorney of law in doing so since the letter was signed Brett Borland, The Borland Law Firm, LLC. Defendant's letter is a violation of 15 U.S.C. § I692(e), as it implies that an attorney was involved in the collection and implicitly any time an attorney is involved in collection, implicitly threatens legal actions." A true and correct copy of the February 6, 2014 correspondence is attached as Exhibit "A."

12.

The February 6, 2014 correspondence states in relevant part:

> "The letter makes legal threats of which are deceptive and coercive. These legal threats imply that The Borland Law Firm, LLC is acting as an attorney and has the power and ability to bring a legal claim against Mr. Shotkin, when in fact

The Borland Law Finn, LLC is merely a debt collector for a debt they do not own. Any legal claim that is brought would have to be brought by an attorney and authorized only by the creditor. The FDCPA makes it unlawful for a debt collector to use any false, deceptive, or misleading representation or means in connection with the collection of any debt. The letter sent to Mr. Shotkin does just that in violation of 15 U.S.C. § 1692(e)." A true and correct copy of the February 6, 2014 correspondence is attached as Exhibit "A."

13.

The February 6, 2014 correspondence states that "Mr. Shotkin demands the sum of $5,000.00 for damages, costs, and attorney fees to be paid or appropriate legal action will be taken to recover these costs." See Exhibit "A".

14.

The February 6, 2014 letter contains a draft complaint. See Exhibit "A".

15.

Attached hereto as Exhibit "B" is a true and correct copy of a sample correspondence mailed to Co-Defendant, SHOTKIN.

16.

On March 5, 2014, Co-Defendant, SHOTKIN, drafted, prepared and faxed and/or caused to be drafted, prepared and faxed a correspondence to Plaintiff(s) further availing himself to the jurisdiction of this court. A true and correct copy of the March 5, 2014 correspondence is attached as Exhibit "C"

17.

On each communication made by Plaintiff(s) with Defendant, SHOTKIN, Plaintiff(s) acted in compliance with the Fair Debt Collections Practices Act.

18.

Plaintiff(s) have not engaged in any conduct in violation of any provision of the Fair Debt Collections Practices Act.

19.

Plaintiff(s) communication(s) with Defendant, SHOTKIN, did not violate 15 U.S.C. 1692(e) of the Fair Debt Collections Practices Act.

20.

Brett Borland is a licensed attorney in good standing with the State Bar of Georgia.

21.

Plaintiff(s)' collection letter(s) specifically disclose that Brett Borland is admitted in Georgia.

22.

Plaintiff(s) maintain procedures reasonably adopted to avoid violations under the Fair Debt Collections Practices Act.

23.

Upon information and belief, Defendant, SHOTKIN, suffered no actual damages as a result of conduct alleged in Defendant(s) February 6, 2014 correspondence, draft complaint and/or the March 5, 2014 correspondence.

24.

The alleged conduct in Defendants' February 6, 2014 correspondence, draft complaint and/or the March 5, 2014 correspondence does not support a claim under the Fair Debt Collections Practices Act.

25.

Upon information and belief, Defendant, SHOTKIN, individually and by and through counsel and Co-Defendant RC LAW, did not conduct an appropriate investigation or due diligence prior to making its demand upon Plaintiff(s).

26.

Upon information and belief, Defendant, SHOTKIN, individually and by and through counsel and Co-Defendant RC LAW, did not conduct a reasonable inquiry into the facts and/or law before making its demand upon Plaintiff(s).

27.

Upon information and belief, Defendant, SHOTKIN, individually and by and through counsel and Co-Defendant RC LAW, knew or had constructive knowledge that the conduct complained of in Defendants February 6, 2014 correspondence, draft complaint and/or the March 5, 2014 correspondence did not amount to an actionable claim under the Fair Debt Collection Practices Act pursuant to Nichols v. Frederick J. Hanna & Associates, PC, 760 F. Supp. 2d 275, 280 (N.D.N.Y. 2011)

28.

Upon information and belief, Defendant, SHOTKIN, individually and by and through counsel and Co-Defendant RC LAW, drafted, prepared and mailed and/or caused to be drafted, prepared and mailed the February 6, 2014 correspondence and/or draft complaint in an attempt to deprive Plaintiffs of property by improper and/or unlawful means.

29.

Defendant(s) bad faith and harassment are grounds for an award of all reasonable attorney's fees in relation to the work expended and costs pursuant to 15 U.S.C. §1692k(a)(3) and/or the Court's inherent powers.

CLAIM FOR DECLARATORY JUDGMENT

30.

Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

31.

A real and actual controversy presently exists between the parties as contemplated pursuant to the provisions of 28 U.S.C. § 2201.

32.

Pursuant to the provisions of 28 U.S.C. § 2201, this Court has the power to declare the rights and liabilities of the parties and give such other relief as may be necessary.

33.

Absent a judicial declaration, Plaintiffs will suffer a significant financial burden of defending an improper lawsuit.

WHEREFORE, Plaintiffs, The Borland Law Firm, LLC and Brett Borland, individually, pray for judgment against Defendants as follows and request this honorable Court to:

1. Determine and adjudicate the rights and liabilities of the parties with respect to Defendants' alleged claims under the Fair Debt Collection Practices Act;
2. Determine and adjudicate that Plaintiff(s) have not violated the Fair Debt Collection Practices Act;
3. Determine and adjudicate that Plaintiff, Brett Borland is a licensed attorney and properly designated as such in his correspondences;
4. Determine and adjudicate that Plaintiff(s) letter(s) do not violate the Fair Debt Collection Practices Act;
5. Determine and adjudicate that Defendant(s) did not conduct an appropriate investigation or due diligence prior to making its demand upon Plaintiff(s);
6. Determine and adjudicate that Defendant(s) did not conduct a reasonable inquiry into the facts and/or law before making its demand upon Plaintiff(s);

7. Determine and adjudicate that Defendant(s) knew or had constructive knowledge that the conduct complained of in Defendants February 6, 2014 correspondence, draft complaint and/or the March 5, 2014 correspondence did not amount to an actionable claim under the Fair Debt Collection Practices Act;
8. Determine and adjudicate that Defendant(s) have attempted to obtain Property from Plaintiff(s) or deprive Plaintiff(s) of Property by improper and/or unlawful threat of litigation;
9. Determine and adjudicate that Defendants acted in bad faith and for the purpose of harassment;
10. Determine and adjudicate that Plaintiff(s) have procedures reasonably adopted to avoid violations under the Fair Debt Collection Practices Act;
11. Award Plaintiff(s) all Costs of Court and Reasonable Attorneys' fees against Defendants, jointly and severally; and
12. Grant Plaintiff(s) such other relief as this Court deems just and proper.

This 7th day of March, 2014.

s/John M. Duffoo, Esq.
GA Attorney Bar No. 231973
Attorney for Plaintiffs
The Law Office of
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LOCAL RULE 5.1 CERTIFICATION

Counsel certifies that the Complaint for Declaratory Judgment was prepared in accordance with the type and font selections approved by Local Rule 5.1.

This 7th day of March, 2014.

s/John M. Duffoo, Esq.
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Attorney for Plaintiffs
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